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"Fraught With All Sorts of Dangers:" Church, State, Politics, and the United Church of Canada Act, 1924

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Article abstract

"Fraught With All Sorts of Dangers" examines how the uniquely fragmented Dominion Parliament of 1924 handled Bill 47, *An Act incorporating the United Church of Canada*. It offers fresh insight into the issue of Church Union in Canada by exploring how a religiously and politically charged private member's bill forced federal politicians to consider the relationship between church and state in Canada, dredged up old divisions between English-speaking Protestants and French-speaking Roman Catholics, raised questions about the limits of federal and provincial jurisdictions and, at times, challenged parliamentary procedure. The paper explores the ways in which the Liberal government of William Lyon Mackenzie King attempted to avoid many of the controversies of the issue, ones which would later inflict political consequences upon Arthur Meighen and his opposition Conservative Party. Following public protests on Parliament Hill, the scale of which had never been witnessed, and following several lengthy, religiously infused debates in the House of Commons, Bill 47 was passed into law. Although the Church Union issue had raised many uncomfortable questions regarding the interaction of church and state, in the end, the interests of political expediency left most questions unresolved.

“Fraught With All Sorts of Dangers:” Church, State, Politics, and the United Church of Canada Act, 1924

ROSS D. FAIR

Just watch them giving blow for blow
Praise God from Whom all blessings flow¹

Undoubtedly, “fraught with all sorts of dangers” was how Conservative Party leader Arthur Meighen described a pending private member’s bill aimed at seeking federal incorporation of the Methodist, Congregational, and Presbyterian churches in Canada into The United Church of Canada. “I doubt if anything ever came before Parliament upon which sentiment is so sharply and determinedly divided,” he observed.² That Meighen confided this assessment to a concerned citizen in February 1924, a month before the promoters of union had even secured the introduction of their private bill in the House of Commons, signaled the fact that the bill’s handling would differ significantly from the many other bills of incorporation Parliament had passed since Confederation.

The debate over Church Union in the Dominion Parliament during the spring and early summer of 1924 would prove Arthur Meighen a reliable prognosticator of controversy; he had certainly been no stranger to it throughout his political career. Before Ottawa had finished incorporating the United Church in Canada, Members of Parliament (hereinafter, MPs) would witness “scenes without a parallel in the history of the Canadian Parliament,”³ as thousands of Canada’s Protestants stormed Parliament Hill to voice their opposition to or support for Church Union. From the earliest stages of the bill’s consideration, “clerical garb,” noted *MacLean’s Magazine’s* political pundit, J.K. Munro, was “almost as prevalent in the corridors [of Parliament Hill] as was the military uniform during another and greater, if less bitterly fought, war.”⁴ The bill itself would force federal politicians to deal with uncomfortable questions of church

1 The Mace, “Storming the Hill,” *Saturday Night*, 17 May 1924.

2 Canada. National Archives (NA), MG 26-I, Series 3, Arthur Meighen fonds, Arthur Meighen to W.H. Graham, 15 February 1924.

3 “Parliament Besieged By Citizens Interested in Bill for Church Union,” *Globe*, 1 May 1924.

4 J.K. Munro, “Commons Faces Vexing Problems,” *MacLean’s Magazine*, 15 May 1924.

and state relations, and the boundaries between federal and provincial jurisdictions. In doing so, the bill would raise controversies that caused fingers to be pointed at the French, Roman Catholic, Liberal MPs from Quebec who, as elected representatives, were required to offer their opinions on the future course of English Protestantism in Canada. As a result, the Church Union issue became a flashpoint for the longstanding tensions between Protestants and Roman Catholics in Canada. The bill would also cause various MPs to worry about how their political future might be tied to their vote for or against the incorporation of the United Church of Canada. This paper seeks to investigate how a private bill managed to stir up so much controversy, and how federal politicians sought to avoid its pitfalls during the spring and summer of 1924.

The Dominion Parliament's handling of Bill 47, "An Act incorporating the United Church of Canada" has been given minimal attention in the sizeable body of literature on the subject of Church Union in Canada.⁵ Yes, it is acknowledged, the bill did cause some turmoil in Ottawa, but the important thing most authors emphasize is that Parliament passed the bill with little amendment. The most detailed historical considerations are decidedly one-sided in their approach. The union promoters' efforts to see the United Church of Canada incorporated has been told by Gershom Mason, the lawyer who drafted the bill of incorporation and aided its passage through provincial and federal legislatures. Written some thirty years after the event, Mason's intent was to outline the entire "legislative struggle" to create the United Church; as such, his consideration of the federal parliament's involvement is only part of a larger narrative. In a well-written chapter of *The Resistance to Church Union*, Keith Clifford has charted the efforts of those Presbyterians who worked to prevent the bill's passage as part of his study of the forces that sought to maintain a non-concurring Presbyterian Church in Canada throughout the 1904-1939 period. A more recent study by sociologist Douglas F. Campbell, examines the

5 The most detailed overview is offered by Hector Charlesworth, "Churches and Social Problems," in J. Castell Hopkins, ed., *Canadian Annual Review of Public Affairs, 1924-25* (Toronto: 1925), 504-11. Also see Ephraim Scott, "*Church Union*" and the *Presbyterian Church in Canada*, (Montreal, 1928); Rev. S. D. Chown, *The Story of Church Union in Canada* (Toronto, 1930); C.E. Silcox, *Church Union in Canada: Its Causes and Consequences* (New York, 1933); George C. Pidgeon, *The United Church of Canada Story: The Story of the Union* (Toronto, 1950); Gershom W. Mason, *The Legislative Struggle for Church Union* (Toronto, 1956); N. Keith Clifford, *The Resistance to Church Union in Canada 1904-1939* (Vancouver, 1985); James D. Cameron, "The Garden Distressed: Church Union and Dissent on Prince Edward Island, 1925," *Acadiensis* 21(1992): 108-131; Douglas F. Campbell, "Class, Status and Crisis: Upper-Class Protestants and the Founding of the United Church of Canada," *Journal of Canadian Studies* 29 (Fall 1994): 63-84; Campbell, "Engaging Third Parties: Canadian Church Unionists and Their Opponents in the Secular Forum," *Journal of Church and State* 33 (1991): 75-94; Neil Semple, *The Lord's Dominion: The History of Canadian Methodism* (Montreal, 1996), Chapter 16.

use of "third parties" by both proponents and opponents of Church Union. Though based on considerable research into the existing files of these two groups, Campbell's admittedly exploratory study overlooks the wider political implications of the bill on the Dominion Parliament.⁶

During the last several decades, historians have paid considerable attention to the processes by which secularization affected Canadian society in the first half of the twentieth century.⁷ While there has been a healthy debate as to nature and extent of secularization, most agree that the 1920s was a critical decade with regards to the influence of Protestantism in Canada. As John Webster Grant observes: "The United Church of Canada came into existence when the vision that had inspired it was fading, and its leaders waited in vain for an expected revival of religion."⁸ As the modern Canadian state developed during the 1920s, argues Doug Owsram, Canadian intellectuals possessed little of the social passion that had propelled the Social Gospel movement prior to the outbreak of the Great War. When the authoritarian Union government that had guided Canada from 1917 to 1921 disappeared, so too did some of the progressive leaders who had sought drastic transformation of Canadian society for a common national good. A new generation of intellectuals made distrustful by the war, he argues, approached with caution any aggressive political or social agendas. Instead, they offered more consideration for the individual in society.⁹ Elements of the debate over Bill 47 highlight this changing outlook. At the same time, however, it also highlights that many of the elected representatives of the Canadian state had not yet abandoned the goals of the pre-war Social Gospel. The clash of the two mindsets erupted during consideration of Bill 47, making it one of the most intense political debates Canada had ever witnessed. At stake was the future of Canadian society: some believed it needed to be saved by the United Church of Canada, others believed such an institution would wield the power of a state church.

6 Mason, *Legislative Struggle*, especially Chapters 8, 10-3; Clifford, *Resistance*, Chapter 10; Campbell, "Third Parties," 85-91. Other recent research has also analyzed the House of Commons' role in passing Bill 47. See Sara J. Knight, "Voices United? The House of Commons' role in the creation of the United Church of Canada," Unpublished paper presented at Canadian Society of Church History Meeting, Congress 2003, Dalhousie University, May 2003.

7 See for example John Webster Grant, *The Church in the Canadian Era: The First Century of Confederation* (Toronto, 1972), 129-30; David B. Marshall, *Secularizing the Faith: Canadian Protestant Clergy and the Crisis of Belief* (Toronto, 1992); Doug Owsram, *The Government Generation: Canadian Intellectuals and the State 1900-1945* (Toronto, 1986); Nancy Christie and Michael Gauvreau, *A Full-Orbed Christianity: The Protestant Churches and Social Welfare in Canada 1900-1940* (Montreal and Kingston, 1996).

8 Grant, *The Church in the Canadian Era*, 128.

9 Owsram, *The Government Generation*, 112-7.

With regards to the latter claim, questions of church and state relations raised by the purpose of Bill 47 caused the debate to be more complex. As John S. Moir has noted, there is a wall between religion and politics in Canada “if for no other reason that that much of the Canadian constitution is unwritten.”¹⁰ While Moir described the wall as “unscalable,” more recently, Marguerite Van Die has observed that religion has functioned in the nation “like an informal or ‘shadow’ establishment,” and has called for “a fresh look at the historical relationship between the sacred and the secular” in the modern Canadian state.¹¹ The debate over Bill 47 in the spring of 1924 offers a valuable window into an important intersection of the issue of church and state relations with that of secularization. The bill forced the Dominion Parliament to confront the nature of its relationship to the Protestant churches involved in the Church Union movement, and the process demonstrated what little constitutional law or precedent existed as a guide. It exposed the weaknesses inherent in the silence of the British North America Act on the issue of the division between church and state. Furthermore, it also revealed how many politicians chose to debate the issue in accordance with their Christian beliefs and denominational affiliation in their attempt to decide upon the right of the state to legislate on an issue that, in part, involved questions of religious orthodoxy. It also raised uncomfortable questions as to the whether the power to incorporate a new national church rested within the jurisdiction of the federal government or that of the provinces.

In an attempt to address the shortcomings of the Church Union literature, and illuminate a transitional period in the modern Canadian state, this paper considers Ottawa’s handling of Bill 47 from the point of view of the elected officials into whose hands the religiously- and politically-charged issue of Church Union was handed in early 1924. Based upon government documents, papers of political leaders, and political commentaries of the day, it examines four key developments on Parliament Hill that best demonstrate the political turmoil Bill 47 caused parliamentarians. First, it examines a significant, yet largely-overlooked aspect of the Church Union issue. The legislative vehicle by which the incorporation of the United Church in Canada could be attained was a private member’s bill, and thus Parliament had to adhere to a particular set of rules in its consideration of Bill 47. Consequently, it was a Standing Committee on Miscellaneous Private Bills – not the House of Commons – which gave Bill 47 and the wider issue of Church Union its most thorough scrutiny. The heated parliamentary debate that followed focused on the committee’s significant modifications to the thrust of the original bill, resulting in a decision that challenged recognized parliamentary practice. Secondly, it peers into the back offices

10 John S. Moir, *Church and State in Canada 1627-1867* (Toronto: 1967), xiii.

11 Marguerite Van Die, ed., *Religion and Public Life in Canada: Historical and Comparative Perspectives* (Toronto, 2001), 5, 7; David Lyon and Van Die, eds., *Rethinking Church, State, and Modernity: Canada between Europe and America* (Toronto, 2000).

of the 1924 Parliament to consider the negotiations and political intrigue spawned by Bill 47, as parliamentarians tried their best to get rid of the controversial legislation through quick passage, a judicial reference, or complete withdrawal. Thirdly, it considers an amendment to Bill 47 proposed by Prime Minister William Lyon Mackenzie King himself. Although ridiculed by fellow MPs for his efforts to secure the inclusion of his amendment in the bill, King's motives require a fresh consideration. In this context, his ideas and actions reveal much about the Prime Minister's approach to quelling a potential crisis in federal-provincial relations, as well as his concern about the harmful effects that passage of Bill 47 might have on the political fortunes of the Liberal government. Finally, by way of conclusion, it considers the immediate political damage suffered by federal politicians because of decisions they made on the issue. Meighen delivered what some acknowledged as the clearest speech on the matter by any MP; however, he and his Conservative Party suffered greater political consequences than King, who offered no clear speech or leadership on the matter.

Although the complex history of the Church Union movement lies largely beyond the scope of this paper, three elements of how the issue of church union came before parliament in 1924 need to be emphasized here: the long and controversial progression of the Church Union movement, the political composition of the Dominion Parliament, and the extent to which the religious affiliation of MPs represented the dominance of those Protestant churches seeking union within English-Canadian society. Final approval of Bill 47 had to be obtained by a free vote by MPs; therefore, it is instructive to dissect the House along the lines of political and religious affiliation.

The idea of uniting the Methodist, Congregational, and Presbyterian churches in Canada stemmed from discussions first held in 1902 and which continued throughout the first two decades of the twentieth century. From the outset, there had been resistance from within the Presbyterian Church in Canada. Church-sponsored votes among its members were held in 1910 and again in 1916, but the Presbyterians could not find the same level of support for union as offered by the membership of the other two denominations. During the last years of the Great War, the matter was set-aside and not revived until 1921. In June 1922 a union committee of all three churches hired a Toronto lawyer, Gershom Mason, to draft the legislation required to incorporate “The United Church of Canada.” Both the General Conference of the Methodist Church and a meeting of the Congregational Union approved his draft in late 1922, and the Presbyterian Church in Canada offered its support at its General Assembly in June of the following year. The decision by the latter church was far from unanimous, however.¹²

12 The result of the vote on Church Union at the 1923 Presbyterian General Assembly was 427-129. Mason, *Legislative Struggle*, 2.

By 1923, the Church Union movement had become a battle within the Presbyterian Church, largely due to the efforts of the Presbyterian Church Association (PCA) to sustain and rally fresh opposition to union. Formed in 1916 of lay and clergy members, the PCA, argues Keith Clifford, represented “a conservative movement which had no purpose other than the preservation of the Presbyterian Church in Canada from what it perceived to be an unwarranted attack on upon its continued existence.” In other words, the PCA represented an element within the church that was concerned that such a proud Canadian institution might be obliterated by a law designed to sweep all three churches and their property into one new and untried church.¹³

Those seeking to incorporate the United Church of Canada required legislation to be passed by the federal government as well as each provincial legislature. In order to simplify the process of merging the property and trusts belonging to each local congregation, as well as the general property held by each of the three churches, identical bills were to be introduced in the nine provincial legislatures and in Ottawa to cover matters of both provincial and federal jurisdiction.¹⁴ In the minds of the union promoters, the legislation would provide a blanket solution to all contentious matters, thereby avoiding years of litigation between the new United Church and those congregations not wanting to be a part of the union. Advocates of union had legitimate concerns about potential litigation, for they were well aware of the ‘Wee Free’ precedent in Scotland that had emerged from an unsuccessful union of Presbyterian churches there in 1904-05. For this reason, union promoters inserted clauses into their draft bill of incorporation allowing “non-concurring” congregations to vote themselves out of the union, and for the creation of a commission to consider the property questions that would likely arise from such circumstances.¹⁵

These measures did little to placate the PCA,¹⁶ and it spent the remaining months of 1923 refining its opposition to the legislation. On 25 January 1924, a writ was issued in the Supreme Court of Ontario on behalf of the PCA. *Cunningham vs. Pidgeon* argued that the General Assembly of the Presbyterian Church in Canada was not “legally authorized by the Presbyterian Church in Canada to negotiate with any other person or to petition the Parliament of Canada or any of the Provincial Legislatures or to take any other steps toward

13 Clifford, *Resistance*, 92, 2.

14 Mason, *Legislative Struggle*, 8.

15 For a discussion of how the “Wee Free” decision in Scotland related to the Canadian situation see Silcox, *Church Union*, 200-1.

16 Presbyterians opposed to union focused on the unionists’ insistence that the Presbyterian congregations who chose not to be a part of the new church could not operate under the name “The Presbyterian Church in Canada” after the new church was incorporated. Union, promoters claimed, would erase that name from the religious landscape of Canada.

effecting organic union.” It also claimed the General Assembly was not authorized to alter the trusts upon which the church’s property was held, and that it did not possess the authority to significantly alter the purpose for which the church had been established.¹⁷ Though the legal action did not prevent the legislation from proceeding, its effect, Meighen would comment, was like the opposition forces holding “the sword of litigation” over the parliamentary proceedings.¹⁸ This created disquiet in the minds of numerous MPs, for it helped legitimize questions concerning the powers of the Presbyterian General Assembly and focused attention on the issue of whether or not the bill sufficiently protected the rights of the minority. Did the General Assembly possess the authority to vote out of existence the very institution it was elected to serve? Should the federal government support a bill aimed at eradicating an institution despite a vocal minority of its members who did not want to see it disappear? Could the federal government pass a law that might trammel upon provincial jurisdiction in the matter of church property and trusts? As the promoters of Church Union headed to Ottawa, all of these unsettled legal details distracted from the general aims of creating a united, national Protestant church for Canada. Consequently, by early 1924, members of each political party were well aware that a consideration of this private bill of incorporation might indeed be “fraught with all sorts of dangers.”

The fact that the advocates of union brought their proposal for Church Union to the federal parliamentary session of 1924 perhaps illustrates just how determined – if not desperate – they were to create the United Church of Canada. At this time, Prime Minister King’s Liberal government was charting its course carefully through the most divided federal parliament Canada had ever witnessed. The elections of 1921 had brought an end to the Union government that had carried Canada through the final years of the Great War and the turmoil of the immediate postwar years. Gone with that government were its old leaders. A tired Robert Borden had resigned in 1920 to be replaced by his more youthful cabinet minister Arthur Meighen. As a minister, Meighen often had been employed to accomplish unpleasant and difficult tasks. He was one of the best orators the House had ever seen – and one of its fiercest debaters.

The Liberals, too, had looked to younger talent to lead the party. Wilfrid Laurier had died in 1919, and later that year his party had chosen William Lyon Mackenzie King, a former Minister of Labour in Laurier’s final administration, as the next party leader. The new Liberal leader was the complete opposite of Meighen. The differences in their personalities had been made clear when King

17 Clifford, *Resistance*, 147; NA, MG 26-I, Series 3, Arthur Meighen fonds, *Cunningham vs. Pidgeon*.

18 Canada, House of Commons, *Debates*, 26 June 1924, 3754.

and Meighen were students at the University of Toronto. While Meighen had spent his time in his room and at the library, focusing on the task at hand and making only a small circle of friends, King had been well known as “Rex” among his wide circle of friends for his extra curricular activities and skills in political science. Now at the forefront of Canadian politics, King was a compromiser and a conciliator; his speeches rarely possessed the clarity and focus of his political opponent.

The 1921 election had crystallized the fact that the country remained divided as to who should lead Canada in the post-war era. King was able to form Canada’s first minority government, but only twenty-seven of the Liberals’ 117 seats were in ridings east of the Ottawa River. To a large degree, the Liberals’ success in Quebec stemmed from French Canadians, still fuming over the conscription issue, who had seized their opportunity to help defeat Prime Minister Meighen and the remnants of the old Union government. The real spoilers were the Progressives. Their sixty-five seats in the new parliament came at the expense of both the Liberals and the Conservatives. The Liberals won only three prairie seats, all urban, and one by an independent liberal. Meighen lost his own Manitoba riding of Portage la Prairie to a Progressive, and the Progressives stole twenty-four seats from the Conservatives in rural Ontario. Following the election, the Conservative Party was left with just fifty seats spread between Ontario and British Columbia. It had no representation in six of Canada’s nine provinces, and had a defeated leader searching for a riding in which he could run in a by-election to regain entry into the House. For the first time in Canada’s history, a third party held the balance of power, and no party was able to claim true national support.

The task of leading a minority government in such a divided legislature must have seemed rather daunting to the 47-year-old King. At first, the Prime Minister was torn by the conflicting economic demands of the Progressives on the one hand, who represented a potential legislative ally for supporting the Liberal minority government, and the Montreal community on the other hand, who had shifted their support from the Conservatives to the Liberals in the last weeks of the campaign. The Progressives made King’s job easier, however, by insisting on remaining a “movement” rather than joining the Liberals in a coalition, or becoming the official opposition. Instead, an arrangement was made (with little parliamentary precedent as a guide) to have the Progressives sit to the left of the Conservatives, who operated as the “default” opposition party, across the floor of the newly-opened Commons chamber from the ruling Liberals. By the time the Church Union issue reached parliament in 1924, Thomas Crerar, the Progressive’s first federal leader, had stepped down and was replaced by Robert Forke. More importantly, several members had also left the fracturing Progressive movement to cross the floor and join the Liberals. At no point during the 1921-25 session did enough Progressives rejoin the Liberals to give King a majority. Nevertheless, King remained in a fairly comfortable

position, knowing that the Progressives were not likely to defeat his government and allow Meighen and the Conservatives to govern the nation.¹⁹ All of these factors would come into play as Bill 47 passed through its various legislative stages during the spring and summer of 1924.

Coincidentally, all three party leaders were Presbyterian. King was a member of St. Andrew's Church in Ottawa and in Toronto. Personally, the Prime Minister was opposed to Church Union, and both King and the churches he attended would remain Presbyterian.²⁰ Forke had been raised Presbyterian, but at the beginning of the 1920s he was a member of a Union Church in Brandon that had been formed of local Presbyterians and Methodists. As for Meighen, he admitted that his inclinations led him to cling to the church with which his family had been associated for generations. Yet despite his personal views, it would be the Conservative leader who would eloquently and forcefully argue that Parliament had to support the bill incorporating the United Church of Canada.²¹ In the debate over Bill 47, the three leaders would have more than just their religious affiliation in common. All would find it very difficult to offer their fellow MPs leadership on the issue, for Bill 47 allowed every member to vote according to his/her²² conscience. It was a dangerous political freedom.

In a country of 8.79 million people, the issue of Church Union affected over 2.6 million Protestants, or almost thirty percent of the population. Canada's two largest Protestant denominations were the Methodists and the Presbyterians (see Table 1), and the religious affiliations of the MPs elected to the Dominion parliament of 1921-25 reflected the dominance of the major religious denominations within the Canadian populace (see Table 2). This, however, did little to help clarify MPs' minds on how to employ their free vote on Bill 47. According to the *Ottawa Citizen's* parliamentary reporter, numerous MPs were embarrassed by the conflicting advice of their constituents.²³ As the bill passed through each stage of consideration on Parliament Hill, those for and against union would claim MPs were voting in accordance with their religious beliefs or affiliation and not as representatives of their constituents.

19 Crerar had stepped down in November 1922 to assume his duties as President of the United Grain Growers. The true leadership of the party remained with Crerar while he remained an MP, however. Until 1925, King continued to approach the Progressives through Crerar and not Forke. W.L. Morton, *The Progressive Party in Canada* (Toronto, 1950), 164, 171; John Herd Thompson and Allen Seager, *Canada 1922-1939: Decades of Discord* (Toronto, 1985), 16-28.

20 C.P. Stacey, *A Very Double Life: The Private World of Mackenzie King* (Toronto, 1976), 86n.

21 Canada, House of Commons, *Debates*, 26 June 1924, 3750. The *Canadian Forum's* political observer, when sizing up the coming Church Union debate in Parliament, believed Meighen to be "Laodicean" (indifferent in religious matters). "On Parliament Hill," *Canadian Forum*, December 1923.

22 Agnes Macphail, Canada's first female MP, had been elected in 1921 by voters in the Grey South East riding of Ontario.

23 "Glimpses of Parliament," *Ottawa Citizen*, 14 June 1924.

TABLE 1: Selected religious denominations in Canada, 1921.**Religions**

Presbyterian	1 409 407 (16.04%)
Methodist	1 159 458 (13.19%)
Congregationalist	30 730 (0.35%)
Union	8 728 (0.10%)
Roman Catholic	3 389 636 (38.57%)
Anglican	1 407 994 (16.02%)

SOURCE: Table 34. "Total population classified according to religious denominations by provinces, 1921," Canada, Department of Trade and Commerce, *Sixth Census of Canada, 1921, Vol. 1 – Population*.

TABLE 2: House of Commons, Religious Affiliation of MPs, 1924.

	Meth	Pres	Cong	Union	RC	Ang	Bapt	Other	Unk
Liberal (122)	9	22	1	0	67	10	5	2	6
Conservative (46)	12	16	0	1	2	12	0	3	0
Progressive (52)	14	21	3	4	1	3	1	4	1
Union (6)	1	3	0	0	0	2	0	0	0
Independents (12)	1	5	0	0	2	1	1	2	0
TOTAL (238)	37	67	4	5	72	28	7	11	7

SOURCE: Col. Ernest J. Chambers, ed., *The Canadian Parliamentary Guide, 1924* (Ottawa, 1924) and *Who's Who in Canada, 1925-26* (Toronto, 1925).

The snapshot of Canada provided by the 1921 census demonstrates why the MPs were confused as to whether they should or should not support the incorporation of the United Church of Canada. Much of the pro-union and anti-union rhetoric suggested the religious future of Canada – if not the world – was at stake; however, the near thirty percent of the nation's population who belonged to the union churches was not spread uniformly across Canada. The Roman Catholic church exceeded its national average of almost thirty-nine percent in Prince Edward Island, New Brunswick and, of course, Quebec; whereas, the three Protestant churches exceeded their combined national average in Prince Edward Island, Nova Scotia, Ontario, Manitoba, Saskatchewan, Alberta, and British Columbia (see Table 3). Thus, King's Liberal government, heavy with Roman Catholic MPs from Quebec, was placed in an awkward position – that of having to vote for or against the incorporation of a new, national Protestant church. Abstention was not an option for Roman Catholic MPs on this issue, for only in the most narrow sense was the debate over Bill 47 solely a Protestant matter. Questions of church and state relations, as well as

federal and provincial jurisdiction, were most certainly issues over which Quebec MPs wanted to be vigilant.

TABLE 3: Dominance of Union Churches* by Constituency, Canada, 1921.

Province (# of ridings)	Dominant	≥ 40%	≥ 50%	≥ 60%	≥ 70%
NS (14)	4	3	3	2	
NB (11)	0				
PEI (3)	1	1			
PQ (66)	0				
ON (82)	66	43	40	23	7
MB (15)	9	8	3	1	
SK (16)	10	6	2		
AB (12)	7	5			
BC (13)	11	3			
YK (1)	0				
TOTAL (233)	108	69	48	26	7

* Methodist, Presbyterian, Congregational, Union

SOURCE: Table 37. “Population classified according to religious denominations by Dominion electoral districts, 1921,” Canada, Department of Trade and Commerce, *Sixth Census of Canada, 1921, Vol. 1 – Population*.

Viewed from the Conservatives’ perspective, one can understand why Meighen was so concerned about the political consequences of Church Union. Ontario and British Columbia, the Conservative’s only bastions of support, had the largest number of constituencies containing a majority of citizens who belonged to the Methodist, Presbyterian, Congregational, and Union churches. In Ontario, the three denominations represented the dominant religious group in sixty-six of the province’s eighty-two ridings, and attained the affiliation of seventy percent or more of the population in seven ridings, sixty percent or more in twenty-three ridings, fifty percent or more in forty ridings, and forty percent or more in forty-three ridings. In British Columbia, the union churches dominated in eleven of thirteen ridings, with three of those ridings attaining levels of forty percent or more. The three denominations had a considerable prominence within the ridings of Manitoba and Saskatchewan as well, but constituents represented by the Progressive MPs were mostly in favour of Church Union; indeed, many of these communities were already supporting a Union church.

On 24 January 1924, Prime Minister King and his Minister of Justice, E.P. Lapointe, met to discuss the proposed Church Union bill with Dr. Samuel

Dwight Chown, the General Superintendent of the Methodist Church in Canada; Rev. Dr. Alfred Gandier, Principal of the Presbyterian Knox College; and Rev. Dr. W.T. Gunn, a prominent Congregationalist. After talking with King, the delegation met later with Meighen. That evening, King confessed to his diary that after more than an hour's discussion he felt "differently" concerning the proposed United Church of Canada. His main concern with regards to the legislation had been protecting the rights of the sizable minority within the Presbyterian Church who wanted no part of union. The delegation had ensured him that the measure avoided "extremes on all sides," and in his mind, that was "all to the good."²⁴ But on the very next day, the PCA introduced its litigation in the Supreme Court of Ontario claiming that the General Assembly had no right to act in the matter of union, thus serving to muddy King's momentary clarity on the issue. Many other federal politicians were soon equally confused.

By the time that the unionists met with King and Meighen, they had decided who would introduce the bill into the House. A private member's bill required an MP to take responsibility for its passage within the House, and a Senator to shepherd its passage through the upper chamber. Following British tradition, and in order to maintain the distinction between a private and a government measure, the Canadian parliament recognized the principle that no government minister should initiate or promote private legislation.²⁵ In the case of the Church Union bill, King's Liberals took that parliamentary principle one step further to increase the distance between the bill's intended purpose of creating a national church and his government's administration. Neither King nor his party wanted to leave themselves open to accusations that the Canadian government was creating a state church for Canada.

Earlier in January, the legislative committee of the Joint Committee on Church Union had approached George N. Gordon, a Liberal, Methodist MP from the Ontario riding of Peterborough West, asking him to introduce the private bill for Church Union. However, as he noted to the prime minister, Gordon believed he ought to decline the offer "for Party reasons." King concurred.²⁶ That being the case, the committee turned to Forke, the leader of the Progressives. As a member of a western Union Church, he was a valuable role model for the issue. To guide the bill through the upper chamber, union promoters had also secured the services of Senator Gideon Robertson from Welland, Ontario, a former member of the Meighen government and an elder

24 NA, MG 26-J13, William Lyon Mackenzie King fonds, Diaries, 24 January 1924; Mason, *Legislative Struggle*, 31.

25 Sir John George Bourinot, *Parliamentary Procedure and Practice in the Dominion of Canada* 4th ed. (Toronto, 1916), 581.

26 NA, MG 26-J1, William Lyon Mackenzie King fonds, Correspondence, G.N. Gordon to F.A. MacGregor, 19 January 1924, and King to Gordon, 22 January 1924.

of a Presbyterian congregation in Ottawa. With the assistance of the two men secured, the unionists submitted their petition to parliament seeking the incorporation of the United Church of Canada on 31 January 1924, and it was read by Forke before the House some six weeks later.²⁷

As soon as the federal legislative process was set in motion, significant political manoeuvring began. On 19 March, a week after Forke had read the churches' petition, King stood in the House to announce the members who would form the standing committees for the parliamentary session. There was little controversy in the choices, but with parliament anticipating debate on the Church Union issue, in effect, King was revealing the identities of the MPs who would conduct the first examination of the matter as members of the Standing Committee on Miscellaneous Private Bills. Heavy with Liberal members from Eastern Canada, the committee reflected the composition of parliament. Within two weeks, however, King stood in the House again to announce that three members of the Private Bills Committee would be replaced. One change removed a Progressive and Presbyterian member from British Columbia in order that he might sit on the Agriculture and Colonization Standing Committee. His replacement was a Progressive and Anglican MP from Saskatchewan. More significant, though, was the replacement of two Liberal, Roman Catholic members from Quebec with a Liberal, Anglican MP from Quebec and a Liberal, Presbyterian MP from Nova Scotia.²⁸ King would later argue that such changes were necessary to allow “more representation to the different elements.” This seems to have put too polite a face on the latter instance, however. William Duff, the Liberal MP from the Nova Scotia riding of Lunenburg, had insisted King make him a substitute member of the committee. A local leader in the shipping, fishing, and manufacturing industries, Duff had spent several years pursuing his education in Scotland.²⁹ This Scottish connection might explain why he became so dedicated to the preservation of the Presbyterian Church in Canada, and would come to play such a leading role in shaping the debate over Church Union.

In the meantime, the PCA continued its attempts to sidetrack the federal legislation. According to procedure, the petition for Church Union had been

27 Mason, *Legislative Struggle*, 31, 130; Canada, House of Commons, *Journals*, 12 March 1924, 35.

28 House of Commons, *Debates*, 19 March 1924, 461; House of Commons, *Journals*, 31 March 1924, 106.

29 “William Duff,” *Who's Who in Canada 1925 – 1926* (Toronto, 1925), 105. In late June 1925, an anonymous author outlined Duff's efforts to secure his place on the Private Bills Committee. The author was highly critical of Duff acting as a spokesman for the Presbyterian Church, claiming Duff was “an ordinary ‘Bootlegger’” who was making a fortune smuggling rum from the West Indies to Nova Scotia in his own ships. Queen's University Archives, T.A. Crerar Papers, Box 101, Series III, Correspondence, Church Union, March – June 1924, Anonymous to Crerar, 25 June 1924.

sent to the parliamentary examiner to ensure that the petitioners had met the requirements necessary for the bill to proceed. In his report, delivered to the House on 27 March, the Examiner pointed out that the PCA had lodged an objection with his office claiming that the unionists had not given sufficient notice of their intention to petition for a private act of incorporation. In fact, the PCA's efforts had placed the Examiner in a difficult position. In trying to assess the merits of the PCA's objections, he had discovered that the rules of the House were wanting with regard to protests being lodged at this stage. Normally, parties seeking federal incorporation ensured they had their affairs in order before they submitted their petition to parliament. The Examiner's role was to verify that fact, leaving the merits of the incorporation's details for a Private Bills Committee to deliberate. But in light of the doubts submitted by the PCA, the Examiner's report had to be sent to the Select Standing Committee on Standing Orders for its consideration, along with a recommendation that the House adopt British parliamentary procedure to allow for the Examiner to make a special report on the facts of a petition without being required to deliver his official report on the petition itself.³⁰

On 10 April, the Standing Orders Committee reported to the House that it had determined the complaints lodged by the PCA to be without merit. As for a second argument submitted by the PCA that the Moderator of the Presbyterian Church in Canada did not possess the authority to bind the church into union, the committee decided not to rule on this matter. Instead, it suggested the House committee chosen to study the bill would be better suited to consider that particular question. This would prove to be one of the fundamental questions that MPs had to grapple with as the bill passed through its various legislative stages. With the acceptance of the report, the petition became Bill 47, "An Act incorporating The United Church of Canada," and was given its first reading. Then, on 11 April, a day after the report had been tabled, Forke presented Bill 47 to the House for its second reading so that the bill could proceed to its first serious consideration.³¹ Thus, the result was that the PCA had caused a slight delay in the proceedings of the bill, but was unable to secure its suspension.

It is important to establish here the meaning of a second reading as it pertains to a private, rather than a public bill. Sir John George Bourinot, the recognized authority on Canadian parliamentary procedure, sets forth some important distinctions in his *Parliamentary Procedure and Practice*. As with a public bill, the House, by offering its agreement with second reading of a private bill, "affirms the general principle, or expediency of the measure." However, Bourinot emphasized, "the expediency of a private bill being mainly founded upon allegations of fact, which have not yet been proved, the House,

30 House of Commons, *Journals*, 27 March 1924, 94-6.

31 House of Commons, *Journals*, 10 April 1924, 149; *Debates*, 11 April 1924, 1286.

in agreeing to its second reading of a private bill, affirms to the principle of the bill conditionally, and subject to the proof of such allegations before the committee.” If the bill is opposed on principle, he continues, “it is the proper time for attempting defeat.”³² In order to avoid the latter scenario, Forke had earlier sought agreement that no debate would be held on Bill 47 prior to its second reading. Instead, MPs were to agree to a quick second reading in order that the bill could be sent immediately to the Standing Committee on Miscellaneous Private Bills for full consideration. Duff, however, could not wait to enter a formal protest on the principle of the bill before second reading, even though he had secured himself a seat on the committee that was soon to consider it. Despite Duff’s best attempts to sidetrack the bill at this stage, however, the House concurred with the second reading and the bill moved on to its most important test.³³

The role of the Private Bills Committees in parliament also needs to be clarified to illuminate fully Ottawa’s handling of the Church Union question. Bourinot notes that House of Commons Rule 101 directs every private bill to a particular standing committee. In 1924, bills relating to banks, insurance, trade and commerce were to be sent to the Committee on Banking and Commerce; bills relating to railways, canals, telegraphs, canal and railway bridges to the Committee on Railways, Canals and Telegraph Lines. Any bills that did not fall under those classes were to be sent to the Standing Committee on Miscellaneous Private Bills.³⁴ In other words, private bills dealing with national institutions or infrastructure were considered significant enough that parliament appointed specific committees, composed of members whose knowledge best suited the committee’s mandate. The composition of these committees is significant, for Bourinot emphasizes that a private bills committee is entrusted with judicial and legislative functions. “The parties whose private interests are to be promoted appear as suitors before a select committee ... whilst those who apprehend injury, and are opposed to the legislation sought for, are admitted as adverse parties.” The chief function of a private bills committee is therefore “carefully protecting all the interests involved in the proposed legislation.”³⁵

Since the House did not have a standing committee whose mandate included religious matters, responsibility for Bill 47 fell to the Standing Committee on Miscellaneous Private Bills — a body whose usual agenda was filled with consideration of patent acts and the juicy details of divorce bills

32 Bourinot, *Parliamentary Procedure*, 599-600.

33 House of Commons, *Debates*, 11 April 1924, 1286-7.

34 Bourinot, *Parliamentary Procedure*, 600.

35 Ibid., 559; Canada, Parliament, House of Commons, *Beauchesne’s Rules and Forms of the House of Commons of Canada* (Toronto, 1922), 184.

passed to it by the Senate.³⁶ This would be the committee charged with deciding the merits of a bill destined to forever change the face of Protestantism in Canada. And, as the proceedings unfolded, committee members had to maintain their focus on the formal presentations at hand rather than the myriad of distractions swirling around Parliament Hill. It was not an easy task.

Those wanting to witness the arguments being presented for and against Church Union flooded into Ottawa prior to 30 April, the first day of hearings on Bill 47. Special trains had been scheduled to deliver people to the capital and the city's hotels were booked solid. At the opening meeting of the Private Bills Committee, Chairman Hal McGivern's first concern was crowd control. So many people wanted access to the hearings that he sent a delegation to the Speaker to request that the House of Commons chamber be used for the committee meetings. The Speaker respectfully declined the request. First of all, it was a rather unprecedented request to use the chamber for meetings other than those of the House proper. Furthermore as parliament was in session, the chamber would be available only in the mornings. McGivern searched Parliament Hill and decided upon its largest facility, the Railway Committee Room, large enough to seat 400 people comfortably. But even that space proved to be sadly inadequate, as some 800 people tried to gain access to the hearings. This, moreover, represented only a portion of the estimated several thousand who had swelled the population of Ottawa for the occasion. No one could remember such a surge of interested parties descending on Parliament Hill for any previous issue, nor could anyone recall a chairman having so much trouble "enforcing the rule of Parliament forbidding expressions of approval or disapproval of statements made in the discussion of the bill."³⁷

On the evening of 30 April, King confided in his diary that he was glad he had not been present at the opening committee meeting because of the great numbers who were expressing strong feelings on both sides, although he confessed he would like to have taken a look into the committee room on that "historic scene."³⁸ That same evening, a crowd of over 2,000 jammed into Chalmers' Church in Ottawa to rally in support of union. There they heard Reverend Principal Smythe, Head of the Wesleyan Theological College of Montreal, warn legislators that if Bill 47 were to be defeated, Canada "would be plunged into a religious war, the extent and bitterness of which no man can foretell." The next election, he claimed, would be fought over the "spiritual freedom of churches," not the tariff issue that had spawned the Progressive movement. Reverend Dr. John Pringle, the former moderator of the

36 The Mace, "Church Union in the Commons," *Saturday Night*, 8 March 1924; "Storming the Hill," *Saturday Night*, 17 May 1924.

37 "Parliament Besieged By Citizens," *Globe*, 1 May 1924; "Dissenting Presbyterians Free to Form a New Church," *Daily Mail and Empire* (Toronto), 1 May 1924.

38 NA, MG 26-J13, William Lyon Mackenzie King fonds, Diaries, 30 April 1924.

Presbyterian General Assembly, buttressed Smythe's claims, telling the crowd that union would go on whether or not the bill was passed.³⁹ Such inflamed passions did were not easily snuffed out: Large crowds fought for space in the committee room every day. Before the hearings were completed, the Private Bills Committee would also hear testimony that Rev. Dr. Gandier, Principal of Knox College, had claimed that no government would dare interfere with the great national Protestant church that was being formed. On that day, too, the committee received word that one of its members had been passed a threatening note by one of the many people in attendance. McGiverin coolly passed the "cowardly" note to the Sergeant-at-Arms, diffusing the situation quickly. It was one of a series of incidents for which McGiverin gained the approval of both sides for his able refereeing of the proceedings under some of the most intense conditions.⁴⁰

Amidst these developments, the Private Bills Committee listened to seven days of testimony presented to them by some of the most capable legal minds in country. Those in favour of Bill 47 spent some fourteen hours laying out their case; those opposed spent some seventeen hours doing the same. Twenty witnesses testified for and against, and twenty-five exhibits were presented as evidence.⁴¹

By the end of the hearings on 21 May, earnest work had begun in the back-rooms of Parliament Hill to find common ground between the opposing sides. The scale of lobbying was something rarely seen for a government measure, let alone a private member's bill.⁴² Most MPs wanted to reach a compromise, for they saw "in the measure the makings of trouble." Ideally, they hoped that the Private Bills Committee could deliver a bill which the House of Commons and the Senate could pass as quickly and as quietly as possible.⁴³ First among the backroom players aiming for a compromise was the Prime Minister himself. On the afternoon of 5 May, he met with the counsel for the unionists, Amie Geoffrion. There he obtained agreement to amendments to Bill 47 that would allow congregations to vote for or against union within six months prior to union taking effect, and that non-concurring Presbyterian congregations could name themselves "The Presbyterian Church of Canada" and retain not only the

39 "Fervor For Union Displayed At Great Rally," *Ottawa Citizen*, 1 May 1924.

40 "Hearings Closed on Church Union," *Mail and Empire*, 10 May 1924; "Lafleur Questions Parliament's Right To Enforce Union," *Globe*, 8 May 1924; "Will Go Forward Much Humiliated," *Mail and Empire*, 9 May 1924; The Mace, "Storming the Hill," *Saturday Night*, 17 May 1924; NA, RG 14 1987-88/146, Boxes 4 and 5, Proceedings respecting Bill No. 47, An Act incorporating the United Church in Canada.

41 NAC, RG 14 1987-88/146, Box 5, Wallet #2, Proceedings respecting Bill No. 47, An Act incorporating the United Church in Canada.

42 Munro, "Commons Faces Vexing Problems," *MacLean's Magazine*, 15 May 1924; The Mace, "Storming the Hill," *Saturday Night*, 17 May 1924.

43 "Glimpses of Parliament," *Ottawa Citizen*, 13 May 1924.

individual congregation's property but also its share of the church's general property. Later that day, he also confirmed support for these concessions from his Minister of Justice and from the two anti-unionist Liberal members of the Private Bills Committee.⁴⁴ Such an agreement, King believed, would thus satisfy both sides by settling many of the thorny issues surrounding the Church Union debate.

On the formal side of the deliberations, the Private Bills Committee resumed its discussions of Bill 47 on 21 May. Following the standard procedure, the committee began to examine the bill clause by clause. The first item for discussion was the preamble, an issue on which much of the following debate would focus. As introduced, the preamble of Bill 47 stated that "The Presbyterian Church in Canada, The Methodist Church and The Congregational Churches of Canada ... having the right to unite with one another without loss of their identity ... have agreed to unite and form one body or denomination of Christians under the name of the United Church of Canada."⁴⁵ Anti-unionists, however, argued forcefully before the committee that the Presbyterian General Assembly did not possess "the right to unite," and absorption of the Presbyterian Church in Canada into the United Church of Canada could not be done without the loss of identity.

At this point, Duff launched his efforts to derail Church Union. To begin with, he introduced a motion to amend the preamble in accordance with the Liberal government's attempts to strike a compromise position and wash its hands of any further responsibility in the matter for the time being. His amendment stated: "And whereas doubts have arisen as to the power of the General Assembly of the Presbyterian Church in Canada to agree to the union mentioned herein and as to the jurisdiction of the Parliament of Canada with regard to certain of the powers asked for." And Duff recommended an amendment to Section 2 of the bill that would prevent the consummation of union until 1 July 1926, and then only if two main conditions were met. First, only if it was decided in the action before the Supreme Court of Ontario, or in any other similar case before any provincial court, that the General Assembly of the Presbyterian Church in Canada did possess the constitutional powers to agree to the proposed union. And, secondly, only if it was decided by a reference of the Minister of Justice to the Supreme Court of Canada that parliament had the constitutional powers to enact the bill in whole or in part.⁴⁶

44 The two men were William Duff and Alfred Stork. NA, MG 26-J13, William Lyon Mackenzie King fonds, Diaries, 5 May 1924.

45 Canada, *Statutes of Canada*, 1924, 14-15 George V, c. 100.

46 NA, RG 14 1987-88/146, Box 5, Proceedings respecting Bill No. 47, An Act incorporating the United Church in Canada; "New Effort Opened to Reach Agreement over Church Union," *Globe* 23 May 1924.

Not surprisingly, this major revision to the process of incorporation generated intense debate. From both sides of the issue, it appeared as if the Duff amendment only served to widen the gulf between those for and against union. The committee decided to create a subcommittee of seven members to see if some compromise could be reached on the issue so that Duff might be encouraged to withdraw his amendment. Following two meetings, however, the subcommittee could not find any common ground. Unionists wanted Parliament to pass the bill without any amendment, while the anti-unionists held to their legal question concerning the powers of the Presbyterian General Assembly. On the political side, committee members were divided in opinion as to the right of parliament to interfere in terms of union, and the constitutional ability of parliament to act in this matter at all.

On 23 May, the Standing Committee reconvened to hear the bad news from the subcommittee. Duff offered a way around the impasse. His original amendment provided anti-unionists the opportunity to bog down Church Union in endless court challenges in any provincial court. He therefore withdrew his original amendment and introduced a revised version that required only a decision to be made in the case presently before the Supreme Court of Ontario, while maintaining the desirability for a reference to the Supreme Court of Canada. He also recommended that if the courts had yet to decide on these issues by the time of the session of parliament immediately proceeding 1 July 1926, then Parliament could further suspend the operation of the Act. These changes turned his amendment from a sure method of killing the bill by 1 July 1926 into one which would ensure all legal questions about the union process had been set aside prior to the consummation of the United Church of Canada.⁴⁷

The Private Bills Committee put Duff's amendment to a vote, and it passed twenty-seven to twenty-three.⁴⁸ By doing so, the committee altered in significant ways the character of bill, as well as the process by which Church Union would be consummated. If the bill passed as amended, it would be the civil courts' responsibility to decide the constitutionality of Church Union, not the Private Bills Committee or the Dominion Parliament as a whole. Though the committee had considered the same legal testimony as the Supreme Court of Ontario would in *Cunningham vs. Pidgeon*, its members determined that the civil courts were better arbiters of the Church Union matter. Immediately following the vote, unionists leveled attacks against Duff, King, the Liberal

47 NA, RG 14 1987-88/146, Box 5, Proceedings respecting Bill No. 47, An Act incorporating the United Church in Canada; Canada, House of Commons, *Bill 47. An Act incorporating the United Church of Canada* (Reprinted as amended and reported by the Select Standing Committee on Miscellaneous Private Bills), 3rd Session, 14th Parliament 1924; "Pass Amendment on Church Union," *Mail and Empire*, 24 May 1924.

48 NA, RG 14 1987-88/146, Box 5, Proceedings respecting Bill No. 47, An Act incorporating the United Church in Canada.

government, and the Quebec members of the Private Bills Committee. These accusations centred on political interference by King's Liberals, including the claims that Duff's amendment was an effort to force the unionists to withdraw the bill and that French Roman Catholic MPs were meddling in the affairs of Canada's English Protestant churches.⁴⁹

The vote on the Duff amendment was Bill 47's first true test in Ottawa, and it demonstrated the political and religious divisions within the various parties. Seventeen Liberals voted for the amendment, while four voted against it. To no one's surprise, the twelve Progressive members of the committee voted solidly against Duff's proposal. It was among the Conservative members that the vote proved most divisive. Nine Conservative members voted for the measure, while four voted against it. Divided another way, the vote pitted four Presbyterian Conservatives who voted for the amendment against three Methodist Conservatives who voted against the measure.⁵⁰

The vote also proved to be a lightning rod for the religious and ethnic storm that had been forecast by political observers as early as December 1923. In that month, the *Canadian Forum* noted that it had learned "the Roman Catholic hierarchy" was less than pleased with the idea of a unified Protestant Church that might be on parity with its own influence and power. Roman Catholic leaders, the magazine understood, might have to issue orders to "kill the bill" when it was before Parliament. Regardless of what the Catholic Church might or might not do, the magazine believed that if the anti-unionist King and other anti-unionist cabinet ministers were to find themselves in the same camp as the Roman Catholic members in opposition to the bill, then they would acquire the inescapable taint of being subservient instruments of the Catholic Church. If, on the other hand, they voted for the bill, the *Canadian Forum* argued, the anti-unionists would "not be slow to remind them of their perfidy." Not the most Christian judgment to be sure, but by the end of May 1924 it was proving to be a rather correct assessment.⁵¹

In early March 1924, *Saturday Night* had published its own ruminations about the Catholic-Protestant tensions that the Church Union bill might expose, offering readers a "scorecard" of the religious affiliations of members in the Private Bills Committee, the House, and the Senate. In contrast to *Canadian Forum*, *Saturday Night's* Parliament Hill commentator and satirist, "The Mace," believed the Roman Catholics intended to treat this private bill in the same way

49 "Battle Not Yet Lost, Say Church Unionists," *Mail and Empire*, 24 May 1924; "Pass Amendment on Church Union," *Mail and Empire*, 24 May 1924; Mason, *Legislative Struggle*, 95-6.

50 NA, RG 14 1987-88/146, Box 5 "Proceedings respecting Bill No. 47, An Act incorporating the United Church in Canada."

51 Monsignor Paolo Bruchesi, Bishop of Montreal, appears to have been the Catholic official who had spoken out on the issue. "On Parliament Hill," *The Canadian Forum*, December 1923.

they did divorce bills. While they did not condone them, they allowed them to pass on division. Before Bill 47 had even been considered by parliament, “The Mace” was betting that the Anglicans and the Roman Catholics would sit out the debate and let the Presbyterians battle it out for themselves. Should there be signs that the minorities involved were not being protected adequately, however, he expected to see the French Roman Catholic members use their collective strength to ensure the bill of incorporation was delayed indefinitely.⁵²

Both the *Canadian Forum*’s and *Saturday Night*’s sources seem to have been well informed, for in early in May, the Prime Minister was doing some counting of his own (see Table 4). Just as the Private Bills Committee hearings began, he confided to his diary that he believed “the uncertainty of the Roman Catholic vote may help us to get a fair and reasonable amendment which will enable the Union to be brought about, and the Presbyterians not in favor to stay out.”⁵³

TABLE 4: Religious Composition of the Private Bills Committee, 1924.

By Party

	Meth	Pres	Cong	Union	Ang	RC	Other	TOTAL
Liberal	1	7	1	0	4*	21	0	34*
Conservative	3	7	0	0	2	0	1	13
Progressive	3	6	1	1	1	0	0	12
Union	0	1	0	0	0	0	0	1
Independent	0	1	0	0	1	0	2	4
TOTAL	7	22	2	1	8*	21	3	64*

* includes Committee Chair, Hal McGiverin

By Province

	NS	NB	PEI	PQ	ON	MB	SK	AB	BC	TOTAL
Methodist					6	1				7
Presbyterian	2	2	1		11	1	1	1	3	22
Congregational				1		1				2
Union						1				1
Anglican				1	5*		1	1		8*
Roman Catholic				21						21
Other					1	1		1		3
TOTAL	2	2	1	23	23	5	2	3	3	13

* includes Committee Chair, Hal McGiverin

SOURCE: Chambers, ed., *The Canadian Parliamentary Guide, 1924* and *Who’s Who in Canada, 1925-26*.

52 The Mace, “Church Union in the Commons,” *Saturday Night*, 8 March 1924.

53 NA, MG 26-J13, William Lyon Mackenzie King fonds, Diaries, 5 May 1924.

In a few weeks, however, King would have less latitude in deciding which way his French lieutenants would vote. Between 14-16 May, Henri Bourassa, the avid French-Canadian nationalist, wrote three front-page editorials in his *Le Devoir* criticizing the Church Union movement and the federal parliament's handling of the bill. Bourassa argued that the legislation would have perilous consequences, for it violated the constitution, law, and equality. The state did not possess the authority to interfere in church doctrine, Bourassa argued, and the federal government must not trammel upon matters of provincial jurisdiction such as local church property and education (i.e. the church colleges). All of these reasons, Bourassa claimed, "devraient suffire à ranger tous les députés du Québec dans l'opposition à cette loi pernicieuse."⁵⁴ Though one cannot attach a particular committee member's vote to Bourassa's editorials, in 1924 it would be hard to find a more influential voice for King's Quebec members, excluding the Prime Minister himself.

According to the unionists, the results of the Private Bills Committee's approval of the Duff amendment was proof of King's and Bourassa's political interference. Fourteen of the members who voted for the Duff amendment were from Quebec, thirteen of whom were Roman Catholic. Just two Quebec Roman Catholic members voted against the amendment. The most common complaint surrounding the vote on Duff's amendment was that it had been conducted when thirteen of the Private Bills Committee were not present.⁵⁵ Those absent members, unionists argued, would have swung the twenty-seven to twenty-three vote in favour to a defeat of the amendment. Gershom Mason maintained this argument some thirty years later. In his recollection, the vote was part of a larger anti-union plot concocted by members of both the Liberal and Conservative parties. This unnamed cabal, he argued, had introduced the amendment at a time when they knew it could be passed. According to Mason, a "certain member of the House" told fellow party members on the committee "that it was the desire of the Prime Minister that the amendment should prevail."⁵⁶ The emphasis on the members who were absent for the 23 May vote has been exaggerated, however. Records of the Private Bills Committee demonstrate that over the course of fourteen days of meetings, the average attendance out of sixty-four members, including the chairman, was barely thirty-eight members. On the day of the Duff amendment, fifty-six members – more than any other day – were present to record

54 Henri Bourassa, "L'Eglise-unie du Canada III," *Le Devoir*, 16 May 1924. Also see Parts I and II, 14 May and 15 May.

55 *Ottawa Citizen*, 23 May 1924; *Globe*, 24 May 1924; "Pass Amendment on Church Union," *Mail and Empire*, 24 May 1924.

56 Mason, *Legislative Struggle*, 95-6.

their vote.⁵⁷ To some other observers, however, that sudden interest was indicative of a different sort of political interference.

Quebec members of the committee were singled out for their lack of attention to their appointed duties. Either they had been downright negligent, it was claimed, or they had given the committee "a wide berth" because the matter was a Protestant, not a Catholic, issue.⁵⁸ Why then, did the Quebec members "appear in force" when the Duff amendment was up for voting, wondered unionists such as Methodist leader Rev. Chown?⁵⁹ Mason claimed the thirteen Quebec Roman Catholic members of the committee who voted for the amendment, did so according to party loyalty, but if that was the case, then the last thing unionists truly wanted was a full attendance for the vote on the Duff amendment. Twelve of the thirteen absentees were Liberals. Therefore, the margin in *favour* of the Duff amendment would have increased if these MPs had attended the 23 May meeting. Moreover, six of the thirteen absentees were also Roman Catholics from Quebec, further diminishing the likelihood of the vote resulting in the defeat of the amendment.⁶⁰ At best, such criticisms appear to have been thinly-veiled expressions of resentment that – due to the composition of the 1924 Parliament – the creation of the United Church in Canada rested perilously in the hands of the French, Roman Catholic MPs who were thought more likely to sympathize with the Presbyterian anti-unionists on grounds of minority rights, or Bourassa on the grounds of provincial rights.

By amending the preamble to Bill 47, the Private Bills Committee had partially fulfilled King's desire to see the rights of the non-concurring congregations strengthened. King's other agreement was also secured, allowing congregations to vote themselves out of union during the six months prior to the creation of the United Church of Canada rather than having to vote themselves out of a church they had not wished to enter. In addition, those churches would be able to retain their local trusts and property. Although Bill 47 was more liberal in its provision for the non-concurring congregations after the committee's deliberations, the amendments were not entirely reflective of the compromise King had hoped for. Dissenting churches could be known generically as Presbyterian, Methodist, or Congregational; however, the committee

57 The average number shown here does not include the last meeting of this committee on June 13, as the agenda only included voting on a standard refund of fees. Only 15 members were present at this meeting dropping the actual average to 36 members. See NA, RG 14 1987-88/146, Box 5, Proceedings respecting Bill No. 47, An Act incorporating the United Church in Canada.

58 *Ottawa Citizen*, "Glimpses of Parliament," 7 May 1924.

59 "Battle Not Yet Lost, Say Church Unionists," *Mail and Empire*, 24 May 1924. Also see "On Parliament Hill," *Canadian Forum*, June 1924.

60 "Committee Favors Two Years' Hoist For Union Measure," *Globe*, 24 May 1924; "Battle Note Yet Lost Say Church Unionists," *Mail and Empire*, 24 May 1924.

had not provided for such churches to receive any of the national church's property.⁶¹

On 11 June, the Private Bills Committee held its final meeting on Bill 47, deciding to report it to the House with Duff's amendment intact. Just two days earlier, though, news arrived from Owen Sound, Ontario, that the Presbyterian General Assembly had just expressed its displeasure with the court proceedings in Ontario as well as the Duff amendment. By more than a four-to-one margin, the Presbyterian Church in Canada sent to Ottawa a clear statement that its General Assembly did possess the power to enter the church into union, and that it wanted the federal government to remove the Duff amendment and to pass the measure as it had been first introduced.⁶² By the time that McGiverin reported the bill to the House on 16 June, the lobbying for and against Church Union had become even more intense.⁶³

As the Private Bills Committee finished its business, King was receiving advice from some influential advisors beyond Parliament Hill. Chief among them was the Reverend Thomas Eakin. A Professor of Homiletics and Pastoral Theology at the Presbyterian College in Montreal, Eakin was a close friend of King's from college days at the University of Toronto, but he was not an impartial advisor. Along with his colleague at Presbyterian College, Principal Daniel J. Fraser, Eakin was a leading member in the PCA.⁶⁴

King had been in contact with Eakin as early as 5 May. In fact, right after his meeting with Geoffrion, King had discussed with Eakin the feasibility of his proposed compromise. Eakin, however, proved rather unenthusiastic, for he wanted the Presbyterian Church to remain an independent entity.⁶⁵ Weeks later, as the Duff amendment was being debated in the Private Bills Committee, King again corresponded with Eakin. From the substance of Eakin's letter it is clear that he was acting as a sounding board for many of the ideas and fears that King held on this issue. King's letters suggest that he was not fully supportive of Duff's original idea of how to amend Bill 47's preamble, for King thought it would drag the church through years of litigation. As result, it appears that King became increasingly supportive of the plan for the Minister of Justice to

61 Canada, House of Commons, *Bill 47. An Act incorporating the United Church of Canada* (Private Bill), 3rd Session, 14th Parliament 1924.

62 "Assembly Passes Church Union by an Overwhelming Majority," *Mail and Empire*, 10 June 1924; "General Assembly Refuses To Accept Union Amendments," *Globe*, 10 June 1924.

63 Canada, House of Commons, *Debates*, 16 June 1924, 3220; "Glimpses of Parliament," *Ottawa Citizen*, 12 June 1924. Also see, "Vigorous Lobby on Church Union Bill, *Ottawa Citizen*, 2 June 1924.

64 Eakin's closeness to King is perhaps best illustrated by the fact that he addressed the Prime Minister in his letters as "My dear billy." He had also been the minister who performed the funeral for King's mother. NA, MG 26-J1 William Lyon Mackenzie King fonds, Correspondence, Eakin to King, 8 June 1924.

65 NA, MG 26-J13, William Lyon Mackenzie King fonds, Diaries, 5 May 1924.

submit a reference to the Supreme Court of Canada in order to avoid such delays, yet provide a similar result.

On 8 June, Eakin suggested to King, "A reference to the Supreme Court for a decision on both questions of constitutionality is fair and reasonable, should any man object to this it is evidence that he fears his cause is unjust." He then attempted to steel King's courage to see such an amendment through parliament by appealing to his Liberal sensitivities. Eakin asked King if he was truly prepared to take legal rights from a minority and give them to a majority just because it had belonged to a minority? That, he argued, did not seem "equitable nor consistent with the principles of Liberalism."⁶⁶ A few days later, Eakin again offered what he considered "dispassionate" advice proffered out of his "friendship and affection" for King: "For your sake I implore you not to oppose the report of the Committee. If you do so you will bring about one of the most acrimonious debates ever heard in the house and you will voluntarily assume a needless and dangerous responsibility."⁶⁷

King received similar advice from another influential source. On 1 April, Sir William Mulock, the Chief Justice of Ontario, had written to King warning that "It would be well if you could avoid taking sides in the controversy." If King was found supporting the wrong side, he suggested, it might alienate voters during the next election.⁶⁸ A trusted advisor,⁶⁹ Mulock offered advice to the Prime Minister again while the bill was before the Private Bills Committee. The best way out of the situation, he argued, was for the committee to decide that a new plebiscite within the churches was necessary before it could report in favour of the bill. "A motion to adjourn is always a fairly easy way out of an embarrassing situation and in this case it would be a just and wise course and if adopted, the matter would not in all probability again come up in Parliament until after the next general elections."⁷⁰ But King seems to have feared the wrath of the unionists were he to delay the issue beyond the current session of parliament. As the bill progressed from the Private Bills Committee to the House, King took a more delicate approach than his friends had recommended. It was an approach he no doubt wished a certain member of his cabinet had taken as well.

On 30 May, King's own Minister of Agriculture, William Motherwell, a Presbyterian from the Saskatchewan riding of Regina, and King's only cabinet minister from the West, intensified the debate by sending a ill-considered letter

66 NA, MG 26-J1, William Lyon Mackenzie King fonds, Correspondence, Eakin to King, 8 June 1924.

67 Ibid., Correspondence, Eakin to King, n.d.

68 Ibid., Correspondence, Mulock to King, 1 April 1924.

69 A friend of King's father, Mulock had used his influence in 1900, while serving as Wilfrid Laurier's Postmaster General, to gain the young William his first entry into the federal civil service as an editor of the government's *Labour Gazette*. Thompson and Seager, *Canada*, 18.

70 NA, MG 26-J1, William Lyon Mackenzie King fonds, Correspondence, Mulock to King, n.d.

to his colleagues that, a few weeks later, appeared in nation's newspapers. It dragged the Liberals into a political morass that King had tried to steer them past. Motherwell, a member of a Union church, wrote out of fear of the consequences that might result should the Duff amendment remain part of the bill when passed by parliament. He shared King's view that the three churches had come before Parliament to avoid litigation, and argued that they certainly did "not require a bill from parliament...to engage [themselves] in a questionable course of that nature." He expressed his concern that if the bill was sent to the House in its present form, the supporters would withdraw the bill and reintroduce it during the next session, repeating this action as many times as necessary. "Further," Motherwell argued, "I fear the Liberal party, even though the bill is a private one, will be held largely responsible for the preamble of the bill (which contains the principle) not going through as introduced."⁷¹ Perhaps the parliamentary reporter of the *Ottawa Citizen* best described the results of this well-intentioned, yet politically-foolish letter, by suggesting that Motherwell had "added a touch of spice to the situation which was already gingery." More importantly, he observed, the letter tended "to confirm the suspicion that party politics play[ed] a certain part in the consideration of a subject that should be above it."⁷² Motherwell's letter was an expression of similar concerns whispered throughout offices on Parliament Hill, however. Only the blindly optimistic hoped for a quick vote on the bill by the end of the first day of debate in the House.⁷³

Just after 3 p.m. on 24 June 1924, the House formed a Committee of the Whole to begin its section-by-section debate on Bill 47. A few days earlier, Forke had tried to convince King to treat the bill as a government measure. In a session during which the government had many measures to push through before the fast-approaching prorogation, Forke hoped he could make Bill 47 a priority to secure better and longer times for debate. Unable to do so, Forke had to be patient and wait for the regularly scheduled times reserved for debate on private measures.⁷⁴

From the moment that debate opened, animosities from the Private Bills Committee hearings flared up. Progressive MP, John Brown, the Congregational minister from the Manitoba riding of Lisgar, who had failed on two

71 "Fears Liberals Will Receive The Blame," *Ottawa Citizen*, 13 June 1924.

72 "Glimpses of Parliament," *Ottawa Citizen*, 13 and 14 June 1924.

73 "Church Union Today Will Engage House," *Globe*, 24 June 1924.

74 House of Commons, *Debates*, 16 June 1924, 3275-6. Private bills could be discussed only as first order of business on Mondays, and after 8 pm on Tuesdays and Fridays. While the government may amend the order of business as it sees fit, Beauchesne notes that during the last weeks of a session the government often takes up increasing amounts of time normally devoted to private business. Canada, *Beauchesne's*, 82. Also see Bourinot, *Parliamentary Procedure*, 582.

occasions to secure the removal of Duff's amendment during committee meetings, renewed his efforts. Right off the mark, he tabled a motion to rescind the Duff amendment and to replace Section 2 with another stating that: “This act shall come into force on the 10th day of June, 1925, except the provisions required to permit the vote provided for in section 10 being taken, which shall come into force on the 10th day of December, 1924.” It restored the original nature of Bill 47's preamble with the key difference that the United Church would not be created upon Royal Assent, but rather after a period of time was allowed for Presbyterian congregations to vote for or against union.⁷⁵ Duff stood to defend his amendment. Using several overzealous statements about the potential strength of the proposed church, Duff maintained his objection to those trying to coerce the Presbyterians into union and explained, over the course of an hour, that his amendment aimed to prevent that from happening. He then turned to parliamentary practice to secure his amendment, noting that various authorities asserted it to be very rare that a committee of the whole would amend or reject any amendment agreed to by a private bills committee.⁷⁶

Following the two-hour recess at 6 p.m., debate continued for nearly five more hours. The tone of the debate centred on questions of the power of parliament to coerce the Presbyterians into union and whether or not the Presbyterian Church would submit to the decision of a civil court with regards to its doctrine. The evening ended with Edward Macdonald, the staunch anti-unionist Presbyterian and Minister of Defence from the Nova Scotia riding of Pictou, rising shortly before midnight in an attempt to have Brown's amendment withdrawn on procedural grounds. Unsuccessful, he launched into a passionate defence of his beloved church. Brown then cornered the Prime Minister, asking him to decide whether or not a vote would be held on such a critical amendment, pointing out that many members had gone home and many others still wished to speak on the matter. Just before 1 a.m. the House adjourned without any decision being reached except when to slot in a continuance of the debate amongst all the other outstanding government measures.⁷⁷

Two days later, just before 5 p.m., the Committee of the Whole resumed its consideration of Bill 47. When Alfred Stork, the Liberal member for the British Columbia riding of Skeena, opened debate, it was clear that there had been backroom negotiations conducted since the bill's last discussion. In “an attempt to reduce the friction, bitterness and hostility which have grown up over the proposed union,” Stork motioned for an amendment to be added to that

75 House of Commons, *Debates*, 24 June 1924, 3557-62.

76 Ibid., *Debates*, 24 June 1924, 3564, 3567-7.

77 Ibid., *Debates*, 24 June 1924, 3607-16.

of Brown's. Immediately following the words "10th day of December," Stork proposed adding:

Providing that as respects the Presbyterian Church in Canada, the provisions of this act shall apply only when all doubt has been removed as to the power of the General Assembly of the Presbyterian Church of Canada under its constitution and rules to agree to a union of the Presbyterian Church in Canada with the Methodist and Congregational churches upon the basis of union...Provided, further, that this question shall be submitted for decision to the Supreme Court of Canada by a reference by the Minister of Justice.

Here, via Stork, was the launch of King's Eakin-approved plan for a reference to the Supreme Court of Canada.

William Hammell, Stork's fellow Liberal from the Ontario riding of Muskoka, rose immediately to argue that the amendment must be withdrawn because the necessary twenty-four hours notice of Stork's motion had not been given. When the Chairman asked for members' opinions on the matter, the Liberals began to squabble amongst themselves. King interjected, pleading that the amendment not be ruled out of order on a mere technicality. He expressed his hope that the committee would allow the amendment to stand, for he felt this amendment would "bring the parties as near together as they [could] be brought in view of the unfortunate difference that exists between them. King's Minister of Defence then rose to request that Hammell withdraw his objection. However, neither King nor his cabinet minister could sway the chairman, and the motion for Stork's amendment was lost.⁷⁸

Later, it was revealed that the real father of this amendment was the Prime Minister himself. King mourned the loss of this motion, for he believed that if such an amendment had "been adopted by the [Private Bills] Committee in the first instance, it would have been accepted practically unanimously by the House and a reference to the Courts would have been secured."⁷⁹ King was too optimistic about what results the Stork amendment might produce, however. Others suggested that news of Stork's motion being tabled with the support of the prime minister had, in fact, caused the surprised union promoters to seriously consider withdrawing the bill.⁸⁰

78 Ibid., 26 June 1924, 3708-11.

79 NA, MG 26-J1, William Lyon Mackenzie King fonds, Correspondence, King to Reverend Stuart Parker, n.d.

80 Munro, "Ginger Group Jolts Parliament," *MacLean's Magazine*, 1 August 1924; Meighen Papers, "W. R. Young to Meighen," 26 June 1924, 36589. In this letter, the Church Union representative for the Methodist church threatens to withdraw the bill, especially if the Stork proposal persisted. He states that the legislation was meant for the union of three churches, and both of these amendments would limit the bill to two.

Debate on the Brown amendment continued for two more hours, following the same tenor as the deliberation two evenings earlier. Around 9:30 p.m., Forke, the bill's promoter, stood to voice his opinions. He did not speak long, claiming that others had debated the matter better than he could. Nevertheless, he left no doubt that he believed the Presbyterian General Assembly had the power to bring about union, and that referring the matter to the courts “would lead to religious chaos and political confusion.”⁸¹

Prime Minister King's opportunity to speak came after 11 p.m.; however, as a consequence of Stork's motion for amendment being lost his speech was “broken and disjointed.”⁸² In an attempt to steer clear of the threatened political consequences of supporting or opposing Bill 47, King, making clear that his opinions were only those of one member of the House, opened with a declaration that the bill was “in no sense a government measure.” His “government as a government [was] assuming no attitude in this matter [and had] no responsibility for the outcome.” As for the motion at hand, King admitted that he found it “difficult, indeed impossible” to support the Duff amendment. He was not prepared “to support any proposed legislation which contemplate[d] litigation over a term of years,” but he would support a quick reference to the courts as had been proposed by Stork, the burden of which “would rest upon the Department of Justice” to prepare at the government's expense. When questioned as to the validity of a civil court's decision respecting church doctrine, King backed away from his insistence on a reference to the Supreme Court. Instead, he admitted, he was willing to submit the question to any appropriate commission or tribunal that might offer guidance to parliament. All he wanted, he concluded, was for parliament to remove from the anti-unionist Presbyterians “the feeling that their church is being torn asunder and substitute it for a feeling that whatever division is now inevitable is being made in accordance with what is reasonable and right and in accordance with the best traditions of parliament.” That, he claimed, would be doing a great service to not only the interested parties, but to the nation as a whole.⁸³ The best summation of King's speech is offered by Meighen's biographer, Roger Graham, who called it a typical “‘on the one hand, but on the other’ speech in which he addressed himself to the country rather than to the question, a speech which would arouse no particular enthusiasm but give no one any real offense.”⁸⁴ Meighen was the next to rise to address the motion, and it was he who pulled the central issues that were swirling throughout the Commons chamber into concise order.

81 House of Commons, *Debates*, 26 June 1924, 3730-3.

82 Munro, “The Ginger Group Jolts Parliament,” *MacLean's Magazine*, 1 August 1924.

83 House of Commons, *Debates*, 26 June 1924, 3744-9.

84 Roger Graham, *Arthur Meighen: And Fortune Fled* vol. 2 (Toronto, 1963), 272.

MacLean's Parliament Hill commentator, J.K. Munro had been monitoring the embattled Meighen since he and his Conservative Party's disastrous election results in 1921. Following the former Prime Minister's re-entry into the House via a by-election, Meighen had abandoned his sharp-tongued, aggressive political style. This, Munro argued, had reduced Meighen to a weak politician and party leader, and allowed King to act as if he were in charge of a strong majority government. By Spring 1924, however, Munro cheered the return of the "nasty" Meighen. Just before Bill 47 came before the House, Meighen, in a bitter budget debate, had "wash[ed] away the smile for which his features were never built," and "smashed" into the government, leaving the Liberals and King looking like "pall bearers around the bier."⁸⁵

Now, in his speech to the Committee of the Whole, Meighen once again distilled the debate to the crucial issues at hand. It was parliament's duty to pass Bill 47. He did not believe that there existed in "the parliament of Canada, or in any court in this country, the right to say what is fundamental in doctrine and what is not." A church must have power to determine its doctrine, he argued, "a power unrestrained by any authority whether of parliament or of civil court." Therefore, while against union personally, he argued that parliament could not evade its duty by the methods suggested by Duff, Stork, or King. One by one, he shot down each amendment, concluding that he would rather oppose the bill directly and without delay than doing so by supporting any of the courses of action suggested.⁸⁶ A couple of weeks later, Meighen stated that Church Union was a subject upon which "so many had drifted from the real question at issue on waves of prejudice or affection that a weary house rather welcomed an earnest effort to bring back in clear relief the one distinct issue which Parliament had to decide." Years later, however, he also confessed that the speech had been made "under very difficult conditions within the Conservative Party," for his Ontario MPs, who were receiving vociferous yet conflicting views from their constituents, found themselves quite divided on the issue.⁸⁷

Meighen's oratorical brilliance brought the evening's debate to a close in the minutes just before 1 a.m. Stork tried one last, desperate chance to reintroduce his amendment, but the chairman would have none of it and directed members to finally vote on Brown's amendment. With a vote of 110 Yeas and 58 Nays, the amendment was accepted, removing Duff's alterations from the bill and allowing the United Church of Canada to come into existence on 10

85 Munro, "Commons Faces Vexing Problems," *MacLean's Magazine*, 15 May 1924; "Session Meanders Toward Its Close," *MacLean's Magazine*, 15 June 1924.

86 House of Commons, *Debates*, 26 June 1924, 3749-55.

87 NA, MG 26-I, Series 3, Arthur Meighen fonds, Meighen to Fred McCutcheon, 10 July 1924; Meighen to Rev. W. D. McIntosh, 28 July 1931.

June 1925 with no reference to the courts. The Committee of the Whole had performed a rare move. Breaking from parliamentary practice, it had rejected an amendment agreed to and reported by the Private Bills Committee. Significant, too, the vote signaled that a clear majority of members present were in favour of union taking effect in 1925 to allow time to sort out issues surrounding the non-concurring churches.⁸⁸

Although the voting was not officially recorded, several sources provide some insights into the division. Out of a total of 234 members, just 168 were present to vote. Apparently, many MPs believed that voting would not take place that evening and had gone home.⁸⁹ Among those who remained, the Progressives voted solidly for the motion, and a slight majority of the Conservatives voted in favor of the motion, with 17 opposed. The Liberals were quite divided, however, with 41 Liberals opposing the motion, and 35 supporting it.⁹⁰ Conspicuous among those opposing the Brown motion was the Prime Minister himself. After having stated, just over an hour earlier, that it was "difficult, indeed impossible to support the [Duff] amendment,"⁹¹ King did what he said he could not do by voting against the Brown motion. Perhaps it was a calculated move of political brilliance, or perhaps he held out hopes an amendment like Stork's might yet find agreement. In any case, Meighen would later point out that in contrast to the criticisms leveled at him for being clear in his support for Bill 47, "the Prime Minister succeeded in losing the confidence of both sides."⁹²

On 27 June, as the Committee of the Whole was considering the final clauses of Bill 47, King followed through on a promise he had made during his speech on the Brown amendment. He introduced his own amendment "to make perfectly clear that so far as this parliament is legislating in the matter, it is not interfering with the jurisdiction of the provinces as respects property and civil rights."⁹³ It seems King, despite his hopes for the Stork amendment, had by the time of his speech, assessed parliament and realized that the Brown amendment was likely to gain support. He realized, too, that the United Church of Canada would soon be incorporated by federal legislation without any reference to the courts, and prior to the approval of similar bills of incorporation in several provinces. With a federal election due about the same time as the Brown

88 House of Commons, *Debates*, 26 June 1924, 3756; "Church Union is Endorsed Effective on June 10, 1925," *Mail and Empire*, 27 June 1924. See Duff's listing of parliamentary procedure. House of Commons, *Debates*, 24 June 1926, 3569-70.

89 "House of Commons Adopts Bill of Church Unionists as Originally Introduced," *Globe*, 27 June 1924.

90 Mason, *Legislative Struggle*, 125; "Glimpses of Parliament," *Ottawa Citizen*, 27 June 1924.

91 House of Commons, *Debates*, 26 June 1924, 3746.

92 NA, MG 26-I, Series 3, Arthur Meighen fonds, Meighen to F. B. Stacey, 14 July 1924.

93 House of Commons, *Debates*, 27 June 1924, 3773.

amendment planned to bring the United Church of Canada into existence, King did not want unhappy Presbyterians hanging the blame for Church Union on the Liberal government. Moreover, it seems King believed he had to placate Quebec, his main source of political support.⁹⁴ Henri Bourassa's mid-May exposés on Church Union and his emphasis on federal-provincial jurisdiction had their effect on the Prime Minister, too. Though the churches might agree to unite, Bourassa argued, "ne confère pas au parlement fédéral le droit d'empiéter sur la juridiction des provinces et de créer à cet égard un fort dangereux précédent." Matters of trusts and local church property, as well as religious education remained provincial jurisdictions, he insisted.⁹⁵

Having read the attacks leveled at the federal government by Quebec's voice for provincial rights, King may have turned to his copy of Bourinot's *Parliamentary Procedure* to consider the implications of Bill 47's provisions. That authority had written at length about the question, making it one of his first areas of discussion with regards to private bills. Bourinot argues that despite Sections 91 and 92 of the British North America Act, which enumerated the matters of provincial and federal jurisdiction, experience had "proved incontestably" that "the question of jurisdiction is of perplexing character, even yet, after years' experience of federal legislation, to those who have assisted in framing the constitution itself."⁹⁶

Railways, Bourinot argues, provide a good example of the jurisdictional conundrum. Since Confederation, it had been agreed that all railway projects were a matter of Dominion responsibility. In 1883, a law placed that policy into effect, allowing for all former provincial railway laws to remain in effect. But the question was raised whether the effect of such a wide-ranging provision effectively destroyed the efficiency of the existing provincial legislation. There was no question that the Dominion government had the right "to declare a work to be for the general advantage of Canada," and in so doing, deem it to be under federal control. The question at stake was how far that control could be carried without infringing on provincial legislation. Since Confederation, Bourinot points out, both houses of parliament often had difficulty determining what class of private bills came within the meaning of that part of the British North America Act assigning provincial legislatures jurisdiction over "the incorporation of companies with provincial objects." Nevertheless, Bourinot emphasizes,

94 Due to the hectic pace of the spring 1924 session of Parliament, King, the faithful diarist, stopped making entries on 13 May, citing "fatigue." He did not resume his writing until one week after the session prorogued, on 27 July. Unfortunately, this gap closes an important window on the Church Union issue. NA, MG 26-J13 William Lyon Mackenzie King fonds, Diaries, 27 July 1924.

95 Bourassa, "L'Eglise-unie due Canada II," *Le Devoir*, 15 May 1924. Also see Parts I and III, 14 May and 16 May.

96 Bourinot, *Parliamentary Procedure*, 561.

companies seeking any additional powers that the Dominion Parliament could constitutionally grant should follow the proper course of seeking provincial incorporation first before approaching the federal government.⁹⁷

Bill 47 presented a similar dilemma. Its promoters had not quite followed what Bourinot sets forth as the proper procedure for seeking the passage of private legislation. Petitioners were to first obtain an act of incorporation from each of the provincial legislatures in which they conducted "business" and then apply to the Dominion Parliament for the additional federal powers it could grant. The unionists had tried to force the issue through the various legislatures as quickly as possible; however, employing a standard bill for both provincial and federal governments. By the time the federal government considered the matter, provincial legislation had been passed by only a few legislatures. Moreover, the bill had been withdrawn from Queen's Park in Ontario, and Lieutenant Governor Murdoch Mackinnon of Prince Edward Island had withheld his assent to the bill passed by that province's assembly.⁹⁸ Therefore, the federal government was, in effect, passing legislation covering provincial jurisdiction ahead of the provincial legislatures. Bourinot makes it clear that the Dominion Parliament had always "been disposed to extend every possible facility to companies that claim to carry on business for the advantage of Canada, though on more than one occasion, it has been questioned whether it has not trenched on provincial jurisdiction."⁹⁹ In the instance of Bill 47, then, it appears as though Bourassa's concerns over provincial rights were well founded. At the time when he was writing his editorials, the Quebec legislature had not yet even begun its consideration of the Church Union issue.

As for Prime Minister King, he had no interest in seeing his government accused of trammeling upon provincial jurisdiction to promote a national Protestant church. With sixty-six of his 116 seats held by Quebec MPs, he could not afford the political risk of offending the Quebec electorate by being held responsible for the passage of legislation that might prove to be *ultra vires*. In order to clarify the jurisdiction of Parliament in this matter – and likely to clear his own political conscience as well – King proposed to have the following section attached to the end of the bill:

That inasmuch as questions have arisen and may arise to the powers of the parliament of Canada under the British North America Act to give legislative effect to the provisions of this act, it is hereby declared that it is intended by

97 Ibid., 562-3, 567.

98 See Charlesworth, "Churches and Social Problems," in Hopkins, *Canadian Annual Review*, 1924-25, 512-5; Mason, *Legislative Struggle*; Fraser, *Resistance*, 155-6, 162-3, Cameron, "Garden Distressed," 108-31.

99 Bourinot, *Parliamentary Procedure*, 565.

this act to sanction the provisions therein contained in so far and in so far only as it is competent to the parliament to do so.¹⁰⁰

His amendment received little debate. Most MPs considered the clause to be simply ludicrous. How could parliament legislate in matters over which it had no powers?¹⁰¹ As a result, King's amendment passed with ease, and Section 29 of the United Church of Canada Act stands as a testament to a Prime Minister who wanted to distance himself and his government from Bill 47 in its final form.

On 4 July 1924, Bill 47 received third reading. It was not achieved easily, thanks in large part to Duff's last-ditch efforts to derail the bill. He had taken up a full sitting of the committee trying to push through an amendment providing for non-concurring churches to vote themselves into or out of union by ballot.¹⁰² Only successful in pitting his colleagues, the Minister of Defence and the Minister of Agriculture, against each other in a sharp exchange on the issue, he subsequently filled a Dominion Day sitting of the House with his attempt to change the "United Church of Canada" to the "United Church in Canada." After this, too, was lost on a 58 to 90 decision, Duff stood alone in refusing the unanimous consent needed to extend the hour reserved for private bills; thus, final approval was delayed until the next appointed time to consider private bills. Time was becoming a factor. The end of the session was imminent, and the Senate had yet to consider Bill 47.¹⁰³

Finally, at 8 p.m. on 4 July, the House reconvened after the evening recess to attempt third reading. Stork rose to reintroduce his amendment. That being defeated on division, Duff rose to reintroduce his amendment on voting by ballot. That also being lost on division, third reading was achieved. Commons' approval for Bill 47 came just as suddenly as had its approval for Brown's amendment. Members barely even let the Speaker finish his call for third reading before they shouted "Carried on division!" in order to silence Duff, ready to try yet another desperate effort to derail the bill. The House had debated the issue for some twenty hours over six days, yet "the entire proceedings came as an anticlimax to the events of the past three months," one correspondent reported. The final vote was made by "an indifferent House, and before the astonished gaze of half-filled galleries."¹⁰⁴

100 House of Commons, *Debates*, 27 June 1924, 3773.

101 See speeches by Henry Stevens and William MacLean, *Ibid.*, 27 June 1924, 3773; criticism leveled by Arthur Meighen, *Ibid.*, 26 June 1924, 3754; and criticisms of Senator C.E. Tanner, Canada, Senate, *Debates*, 14 July 1924, 741.

102 House of Commons, *Debates*, 30 June 1924, 3806-16.

103 *Ibid.*, 1 July 1924, 3883-91; "Church Union At Third Reading," *Mail and Empire*, 1 July 1924.

104 House of Commons, *Debates*, 4 July 1924, 4061-3; "Church Union Bill Passes Commons," *Globe*, 5 July 1924.

Four days later, the bill was introduced into the Senate. With parliament set to prorogue on 19 July, the Liberals made efforts to force through the upper chamber a substantial amount of pending legislation. On 10 July, just as Senate consideration was to begin on Bill 47, Senator Raoul Dandurand, a Minister without Portfolio in King's Cabinet, moved that from that moment until the end of the session several procedural rules of the Senate be suspended as they related to the consideration of both public and private bills. This meant that Bill 47 would not receive any consideration by a Senate Standing Committee on Private Bills, the standard procedure for such legislation.¹⁰⁵ Several Senators protested that the bill was being railroaded through the upper chamber, but to no avail.¹⁰⁶ In the end, therefore, Bill 47 was quickly approved on 14 July.¹⁰⁷ The following day, the House gave its approval to a Senate amendment that had incorporated that proposed by Duff regarding voting by ballot, but not before Duff offered the House one last defiant speech claiming the Presbyterian Church in Canada would continue regardless of Bill 47. With just four days to spare in the legislative session, Church Union promoters acquired the federal incorporation necessary to bring The United Church of Canada into existence on 10 June 1925.¹⁰⁸

For the federal politicians, debate over Bill 47 had been an unwelcome storm. In its wake, some politicians soon found themselves struggling to mend relationships with their constituents before the coming federal election in 1925. Meighen believed his party had paid the heaviest price. In late November 1924, he wrote to Dr. Leslie Pidgeon, a Church Union leader, expressing his concern that a Conservative candidate, Gus Porter, had lost a recent by-election for the Ontario riding of Hastings West because he had been the Private Bills Committee member who had seconded Duff's controversial amendment. Meighen asked Pidgeon for information on how similar incidents could be prevented for he feared that three other Ontario Conservative candidates might suffer the same fate in the coming federal elections.¹⁰⁹ The answer appeared to

105 Canada, Senate, *Journals*, 10 July 1924, 449; Canada. Senate. *Rules of the Senate*, Rule 24, 117. Also see Senator Robertson's remarks claiming the rules were suspended with regards to completely different matters. Senate, *Debates*, 10 July 1924, 677.

106 See comments of two Presbyterian Senators from Ontario, G.V. White (Liberal) and J.D. Reid (Conservative), *Ibid.*, 10 July 1924, 676-7 and 14 July 1924, 739. "Church Union Bill Passes Last Stages Through Parliament," *Globe*, 15 July 1924.

107 Duff was able to secure his request for voting by ballot with the aid of Senator W.B. Ross, a fellow Presbyterian from Nova Scotia. Senate, *Debates*, 10 July 1924, 680-97 and 14 July 1924, 734-9; "Church Union Bill Is Nearly Through Senate Committee," 11 July 1924.

108 House of Commons, *Debates*, 15 July 1924, 4524.

109 Meighen expressed concern about the political future of Arthur Ross of Kingston, Ontario; Murrury MacLaren of St. John, New Brunswick; Gordon Wilson of Dundas, Ontario, along with others he did not name. NA, MG 26-I, Series 3, Arthur Meighen fonds, Meighen to Dr. Leslie Pidgeon, 28 November 1924, 36710.

be within Meighen's hands: There was a political price to pay for being the Presbyterian politician who had offered the most memorable and definitive statement in favour of incorporating the United Church of Canada, and thereby aided the demise of the Presbyterian Church in Canada. At the same time as many were claiming his speech to be one of the greatest he had ever delivered on any occasion, Meighen had to admit that King's course had resulted in his making fewer enemies.¹¹⁰

In August 1924, political pundits reflected on what had transpired in the parliamentary session just past. With regards to Meighen, the *Canadian Forum* noted, "In the cruel world of politics, virtue is rarely its own reward." As a result of his speech, the Conservative leader had heard from many irate Presbyterian Conservatives "who denounced him for his treachery to the church of his fathers, and renounced all allegiance to him."¹¹¹ Munro offered his *Maclean's* readers perhaps the best summation of what had transpired on Parliament Hill:

And it is a first principle of politics that while the winners never remember, the losers never forget. Consequently there are close observers who figure that Mr. Meighen's brilliant effort made him a hundred thousand enemies and not a single friend. The Presbyterians are so angry at him that they have almost forgotten Premier King's backing and filling before circumstances finally put him in a fairly good political position on the fiercest issue that has invaded politics in half a century.¹¹²

Thus, King was able to reflect on the Church Union issue to an Ontario Liberal in late July: "The case is happily disposed of, and in a manner which, as far as the Federal Parliament is concerned, should remove it altogether from the realm of party controversy. For a time, it occasioned about as much excitement as I have ever seen in the halls of Parliament."¹¹³ In large part, King and his Liberals escaped the wrath of those opposed to Church Union because of the

110 Ibid., Meighen to F. B. Stacey, 14 July 1924. Meighen was later reluctant to accept glowing praise for his speech, stating, "one sometimes gets greater credit than he merits." He had been engaged in a drawn-out debate on the previous night until 4 a.m. As his turn to address the House did not occur until shortly after midnight, he admitted he "did not feel in shape for any great performance." Nevertheless it was a speech for which Meighen would receive numerous requests for copies over the next several years. Munro, "The Ginger Group Jolts Parliament," *MacLean's Magazine*, 1 August 1924; NA, MG 26-I, Series 3, Arthur Meighen fonds, Meighen to Fred McCutcheon, 10 July 1924. Also see Graham, *Arthur Meighen*, 272-5.

111 "On Parliament Hill," *Canadian Forum*, August 1924.

112 Munro, "The Ginger Group Jolts Parliament," *MacLean's Magazine*, 1 August 1924.

113 NA, MG 26-J1 William Lyon Mackenzie King fonds, Correspondence, King to N. W. Rowell, 30 July 1924.

ridings that his not-so-national government represented. Many Liberals represented the Roman Catholics of Quebec, while Conservative members represented Ontario ridings that were thick with angry Presbyterians. True, there were many Presbyterians prepared to defend their church in the provinces east of Quebec, but the federal electoral map divided the Maritimes in such a way that Roman Catholics or Protestant denominations not involved in Church Union dominated the population.

Bill 47 evoked one of the greatest political protests on Parliament Hill that the young nation had ever witnessed. From the politicians' point of view, there were few signs that the Protestants of the nation were distancing themselves from the religious fervour of the pre-war era.¹¹⁴ If the secular was to be found in any of stage of the debate on Parliament Hill during the Spring of 1924, it was only among those MPs who did not embrace the progressive thrust of a united Protestant church for Canada, and who voiced concern over the rights of the minority, non-concurring churches. In his rather awkward speech on Bill 47 to the House, King had outlined the five questions he believed it had raised: Was Church Union a project that parliament should support? Had Parliament the authority to act in the matter? Did the churches involved have the power to consummate the union for which they sought federal incorporation? Had the churches themselves complied with their own constitutions and procedures in the Church Union process? Had due regard been given to the affected minorities involved?¹¹⁵ These questions, the controversies, and the intense debate they engendered among King and his fellow MPs, had made one thing certain. The era of Canada's Protestant churches using the power of the state to advance their national religious agenda had ended. Yes, the Dominion Parliament had granted incorporation to the proposed church, but many federal politicians were left unsure whether or not King's five questions could all be answered in the affirmative.

Debate over Bill 47 was characterized as much by the attempts of federal parliamentarians to avoid its political pitfalls as it was by any decision as to the appropriateness of the bill's terms of incorporation for the United Church of Canada. Trying to debate openly the boundaries between church and state had raised more uncomfortable questions for all parties involved than it had solved. It opened old Protestant-Roman Catholic wounds, it pointed to gaps in Canada's parliamentary procedure, and it raised unresolved questions regarding the boundaries of federal and provincial jurisdiction. By July 1924, when the

114 This was particularly true among the Presbyterians. In early 1925, *Saturday Night* commented that “old backsliders who had not seen the inside of a church for a generation” were attending services and meetings about the future of their church. “Union or Non-Union,” *Saturday Night* 14 February 1925.

115 House of Commons, *Debates*, 26 June 1924, 3745.

political storm of Church Union finally blew past Parliament Hill, MPs along with the promoters and critics of the United Church of Canada, had proven correct John S. Moir's eloquent statement that Canada's history and constitution "require that the state be neither indifferent to nor involved in the church and vice versa."¹¹⁶

116 Moir, *Church and State in Canada*, xix.